California Sportfishing Protection Alliance
"An Advocate for Fisheries, Habitat and Water Quality"
3536 Rainier Avenue, Stockton, CA 95204
Tel: 209-464-5067, Fax: 209-464-1028, E: deltakeep@aol.com

19 September 2006

Mr. Robert Schneider, Chairman
Ms. Pamela Creedon, Executive Officer
Mr. Jack DelConte, Principal WRCE
Ms. Wendy Wyels, Environmental Program Manager
Mr. Mark R. List, P.G., Chief
Ms. Ann Olsen, WRC Eng.
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6144

VIA: Electronic Submission
Hardcopy if Requested

RE: Waste Discharge Requirements for City of Sacramento Utilities Department Sacramento River Water Treatment Plant, Sacramento County

Dear Messrs Schneider, DelConte, List and Mesdames Creedon, Wyels, Olsen:

The California Sportfishing Protection Alliance and Watershed Enforcers (CSPA) has reviewed the Central Valley Regional Water Quality Control Board's (Regional Board) tentative NPDES permit (Order or Permit) for City of Sacramento Utilities Department Sacramento River Water Treatment Plant, Sacramento County (Discharger) and submits the following comments.

CSPA requests status as a designated party for this proceeding. CSPA is a 501(c)(3) conservation and research organization established in 1983 for the purpose of conserving, restoring, and enhancing the state's fishery resources and their aquatic ecosystems and associated riparian habitats. CSPA has actively promoted the protection of fisheries throughout California before state and federal agencies, the State Legislature and Congress and regularly participates in administrative and judicial proceedings on behalf of its members to protect, enhance, and restore declining populations of native California fish. CSPA members reside, boat, fish and recreate in and along waterways throughout the Central Valley.

First, we would like to recognize the exceptional job done by the staff in preparing this tentative Order. The tentative Order's Findings are clear and concisely written. It is also apparent that the permit writer is knowledgeable regarding groundwater quality and engineering principles governing wastewater treatment. Staff is to be commended for their effort. However, we believe the Order has several fatal flaws; i.e., the Permit is inappropriate without an accompanying enforcement order, CEQA

documentation is incomplete, the Sludge Management Plan is inadequate, sludge is improperly classified as compost material, the Permit lacks provision for liner inspection and groundwater limitations need to include nitrogen compounds and boron.

1. Enforcement Required

The Information Sheet indicates, "Decant water has historically been discharged to the grit basin, the sanitary sewer, or the storm drain system." Finding No. 3 states, "The Sacramento River WTP has been operating since the 1920s, and was recently expanded to increase the design treatment capacity to 160 million gallons of water per day. Discharges of waste at the facility have not previously been regulated under WDRs or a waiver of WDRs. Finding No.44 states, "As discussed above, supernatant water from the sludge drying lagoons and filter wash water lagoons has historically been discharged to the grit basin, the sanitary sewer, or the storm drain system. A discharge of waste to surface waters requires a National Pollutant Discharge Elimination System (NPDES) permit. Therefore, it is appropriate for this Order to require that the Discharger cease all discharges of supernatant water to the storm drain system."

The WTP has been in operation since 1920 and has not had WDRs for the discharge to land (grit basin) or an NPDES permit for the waste discharged to surface waters via the storm water drain. It is inappropriate for the Regional Board to adopt WDRs for a massive expansion project and at the same time ignore such an extensive history of noncompliance by a recalcitrant Discharger.

The State Board Enforcement Policy, February 2002, indicates that the appropriate enforcement response is for the Regional Board to issue an Administrative Civil Liability Complaint (ACLC). At a minimum, the Enforcement Policy indicates that the ACLC must recover economic benefit achieved by the noncompliance activities. The Discharger has achieved the following economic benefit:

a. Avoided sixty years of permit regulations and associated fees,
b. Avoided sixty years of sample/monitoring requirements,
c. Long term storage of grit/waste piles that degraded groundwater, and
d. Discharges of waste to surface waters without treatment.

It is inappropriate for the Regional Board to consider adopting new WDRs for such a recalcitrant Discharger without first issuing an enforcement order.

2. CEQA documentation is Incomplete

Finding No. 49 states, "On 28 November 2000, the Sacramento City Council adopted Resolution No. 2000-686 certifying the *Final Environmental Impact Report (FEIR) for the City of Sacramento Water Facilities Expansion Project*. The FEIR did not identify any water quality impacts attributable to the discharge of waste at the WTP, and no related mitigation measures were proposed."

Finding No. 49 discusses the CEQA documents only for the expansion projects related to the water treatment plant. The Permit is silent regarding CEQA documents for the land application of sludge, which is a discharge of waste to land. Currently, there are no waivers for the disposal of industrial waste sludge from WTPs. The CEQA document cited in the proposed Order is not applicable to the discharge of sludge, which technically is a "solid waste" and potentially a "designated waste".

The Order authorizes a "new project" for the disposal of sludge to land at potentially thousands of sites. CPRC Section 21065 defines "Project" as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

a. An activity directly undertaken by any public agency.
b. An activity undertaken by a person which is supported, in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
c. An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

The discharge of sludge to land is project for which the Regional Board requires a permit. There is no waiver for the discharge of industrial sludge form WTP to land. The Discharger's proposed disposal of waste via landscape contractors has potential significant impacts to the environment and as such must comply with CEQA regulations and an EIR developed for public comments.

Title 14 Section 15050 states, "Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or Negative Declaration for the project. This agency shall be called the Lead Agency." The Regional Board is the first public agency to undertake an action for the "project" and has jurisdiction over sludge disposal site in the Central Valley. Therefore, the Regional Board is the designated lead agency for the project. As discussed, the project will have significant impacts to the environment. Consequently, an EIR must be prepared by the Regional Board and circulated for public review. Please note, this letter is written notification to have CSPA included on the Regional Board's Notice of Preparation for the EIR.

3. Sludge Management Plan

Finding No. 17 states, "Dried sludge is currently disposed of at an off-site solid waste landfill. However, the Discharger wishes to eliminate use of the unlined sludge drying/storage and use a less costly means of disposal. The Discharger submitted a conceptual Sludge Management Plan that describes specific management protocols for the following disposal options:

a. Soil composting and amending;
b. Non-structural fill material;
c. Turf farming;
d. Landfill alternative daily cover; and
e. Raw material for cement or brick manufacturing.

The sludge management plan includes specific restrictions to prevent or minimize sludge exposure to storm water runoff and waterways, and a plan to ensure that the sludge is provided only to public agencies or businesses with appropriate licenses and permits."

Solids Disposal Requirements No. C.1 states, "The Sludge Management Plan submitted by the Discharger on 31 July 2006 is adequate. Collected screenings, sludge, and other solids generated at the facility shall be disposed of in accordance with the Discharger's Sludge Management Plan (or approved revision thereto) and in compliance with the *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste,* as set forth in Title 27, CCR, Division 2, Subdivision 1, Section 20005, et seq."

The proposed SMP indicates that the Discharger will give the sludge to "licensed" contractors. There is nothing more to the SMP (i.e. no testing or handling/application restrictions) than handing out sludge to contractors. Under the proposed SMP, contractors can "fill" isolated wetlands with sludge. There are absolutely no setback limits, no loading limits for metals, and the pathogen-laden sludge may be dumped in parks, playgrounds and at schools.

The idea that the limited staff resources in the Non-15 unit should be wasted by having to track down and baby-sit the thousands of landscape contractors in the Central Valley is absurd. We hope the Regional Board learned a valuable lesson from the Port of Stockton's eight-month shell game of try-and-locate-dredge-spoils from the Roberts Island disposal site. It is the responsibility of the Discharger to handle, store and reuse the sludge in a manner that protects water quality and is consistent with the Basin Plan. The Discharger must provide information on the reuse/disposal in a form that can be easily verified by staff.

The Sludge Management Plan (SMP) submitted by the Discharger is simply inadequate and must be redone. In comparison to the amount of information routinely required by the Regional Board for Discharger's of biosolids, the SMP is completely void of information/data at all. The sludge information included with the Discharger's SMP is essentially: hand it to landscape contractors.

The SMP is crucial to the Order and must be incorporated into the Order. Therefore, the Discharger must submit a complete SMP prior to the tentative Order being adopted October 2006 Board meeting.

The SMP must at a minimum contain the information used for biosolids. In addition, the SMP must also:

a. Describe procedures for periodically testing the sludge including sample parameters, test frequency and test methodology to characterize the sludge,
b. Describe how sludge will be managed based on test results and characterize sludge produced by the Sacramento River plant. For example, if the sludge exceeds hazardous waste criteria, then it must be sent to a Class I unit. If it exceeds water quality objectives and is a designated waste, the SMP must specify how it will be handled,
c. Identify and describe water quality problems associated with the sludge reuse. The SMP must restrict the reuse activities such that water quality will not be degraded. Therefore, the placement or reuse of sludge near water bodies, wetlands, on levees (either side) or used for project fill material for which a CWA 404 permit is required must be prohibited,
d. Provide detailed information regarding the reuse activities including site locations, sludge volume, application loading rates, and contact person with phone numbers in a format that can be easily verified by staff.

4. Sludge is improperly classified as compost material

Solids Disposal Requirements No. C.3 states, "Sludge sold or given away for composting, soil amendment, non-structural fill, and turf farming shall not be free-draining." This assumes that the sludge is a compost material, which is incorrect. CCR Title 14 regulates solid waste that may be utilized for compost operations. In particular, waste streams that are approved for compost include:

a. Agricultural waste as defined by CCR Title 14 Section 17856,
b. Green waste as defined by CCR Title 14 Section 17857,
c. Wood chipping waste as defined by CCR Title 14 Section 17862,
d. Biosolid composting as defined by CCR Title 14 Section 17859, and
e. Food waste as defined by the Health and Safety Code Section 113785.

None of the cited waste stream definitions apply to WTP sludge. Furthermore, the WTP's sludge is known to contain pathogen from human sources and is prohibited from being blended with other compost material as specified by CCR Title 14 Section 17867. The sludge from the WTP is not properly classified as compost material for which a waiver to land application exists. The WTP's sludge must be managed as a solid waste.

The Discharger contends that the sludge may be used as a soil amendment. Consequently, WDRs must be developed for the disposal site. CCR Title 27 Section 20090 states, in part, "…soil amendments pursuant to applicable best management practices, provided that RWQCBs may issue waste discharge requirements or reclamation requirements for such use." Waivers for industrial sludge derived from the

WTP do not exist and the Regional Board has not adopted WDRs for the disposal of the WTP sludge to land.

5. Provisions for Liner Inspection

In order to ensure that the concrete floor of the sludge lagoon is not cracked or damaged, the Discharger must perform an annual inspection of each lagoon and then certify in the annual report to the Regional Board the current condition of the lagoon liner. If the inspection report finds that the lagoon is damaged, then the report must detail the necessary repairs and include a time schedule for completing repairs. The Permit must include a provision that the Discharger conduct annual inspection and certifies the condition of the concrete liner.

6. Groundwater Limitations

The RWD indicates that the sludge concentrations for ammonia and nitrate were lower than water quality objectives. However, the sludge had not yet undergone extensive microbial oxidation and the nitrogen in the sludge is likely to be a form of organic nitrogen, which was not tested. In addition, boron is important constituent associated with the salinity of the waste. Boron is found in surface waters and will likely be concentrated through evaporation in the lagoons. Therefore, the groundwater limitations need to include nitrogen compounds and boron.

Thank you for considering these comments. If you have questions or require clarification, please don't hesitate to contact us.

Sincerely,

Bill Jennings, Executive Director
California Sportfishing Protection Alliance